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5 Attorneys for Plaintiff
6 VERITAS-B MEZZ B7, LLC AS SUCCESSOR-IN-
INTEREST TO CAPITAL TRUST, INC.
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 VERITAS-B MEZZ B7, LLC AS
13 SUCCESSOR-IN-INTEREST TO CAPITAL
TRUST, INC.,

14 Plaintiff,

15 v.

16 WALTER R. LEMBI, individually and as
trustee of the WALTER AND LINDA LEMBI
17 FAMILY TRUST DATED JUNE 30, 2004;
FRANK E. LEMBI, individually and as trustee
18 of the OLGA LEMBI RESIDUAL TRUST
CREATED UNDER THE PROVISIONS OF
19 PART THREE OF THE LEMBI FAMILY
REVOCABLE TRUST DATED FEBRUARY
20 17, 1984, and as the trustee of the FRANK E.
LEMBI'S TRUST DATED FEBRUARY 17,
21 1984; BILLIE SALEVOURIS, individually;
BILLIE Z. SALEVOURIS, as trustee for THE
22 BILLIE SALEVOURIS TRUST DATED
AUGUST 23, 1983 AS RESTATED ON MAY
23 24, 2002; DAVID M. RAYNAL, individually
and as trustee for the DAVID M. RAYNAL
24 REVOCABLE TRUST DATED MAY 9,
2002; RALPH DAYAN, individually and as
25 co-trustee for the AMENDED AND
RESTATED DAYAN FAMILY
26 REVOCABLE TRUST DATED DECEMBER
31, 1991,

27 Defendants.
28

Case No. C 09-02492 JSW

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING VOLUNTARY
DISMISSAL WITH PREJUDICE**
[F.R.C.P. 41(a)]

1 **STIPULATION OF VOLUNTARY DISMISSAL WITH PREJUDICE**

2 In accordance with Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff,
 3 Veritas-B Mezz B7, LLC as Successor-in-Interest to Capital Trust, Inc., by and through its
 4 undersigned counsel, does hereby stipulate and agree to a voluntary dismissal with prejudice of
 5 all claims asserted against Defendants in the above-styled action. Each party agrees to bear their
 6 own attorneys' fees and costs.

7 Dated: September 30, 2011

STEIN & LUBIN LLP

8 By: 
 9 Julie L. Fieber

10 Attorneys for Veritas-B Mezz B7, LLC, as Successor-In-
 Interest to Plaintiff Capital Trust, Inc.

11 Dated: September 27, 2011

EDWARD C. SINGER JR.

12 By: 
 13 Edward C. Singer Jr.

14 Attorneys for Defendants
 15 WALTER R. LEMBI, individually and as trustee of the
 16 WALTER AND LINDA LEMBI FAMILY TRUST
 17 DATED JUNE 30, 2004 and FRANK E. LEMBI,
 18 individually and as trustee of the OLGA LEMBI
 19 RESIDUAL TRUST CREATED UNDER THE
 20 PROVISION OF PART THREE OF THE LEMBI
 21 FAMILY REVOCABLE TRUST DATED FEBRUARY
 22 17, 1984 and as the trustee of the FRANK E. LEMBI
 23 SURVIVOR'S TRUST DATED FEBRUARY 17, 1984

24 Dated: September 27, 2011

FRIEDMAN DUMAS & SPRINGWATER LLP

25 By: 
 26 Ellen Friedman

27 Attorneys for Defendants
 28 BILLIE Z. SALEVOURIS, individually and as trustee
 for THE BILLIE SALEVOURIS TRUST DATED
 AUGUST 23, 1983 AS RESTATED ON MAY 24,
 2002; DAVID M. RAYNAL, individually and as trustee
 for the DAVID M. RAYNAL REVOCABLE TRUST
 DATED MAY 9, 2002; RALPH DAYAN, individually
 and as co-trustee for the AMENDED AND RESTED
 DAYAN FAMILY REVOCABLE TRUST DATED
 DECEMBER 31, 1991

1 In accordance with the above Stipulation of Voluntary Dismissal With Prejudice
2 Pursuant to Rule 41(a),

3 **IT IS HEREBY ORDERED AS FOLLOWS:**

- 4 1. Plaintiff's complaint in the above-captioned action is DISMISSED in its
5 entirety, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure;
6 2. Plaintiff's claims are dismissed with prejudice;
7 3. Each side shall bear its own attorneys' fees and costs, and all parties waive
8 any right to seek attorneys' fees or costs incurred in connection with the above-captioned action.

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11 Dated: October 3, 2011


Honorable Jeffrey S. White